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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,587	10/11/2001	Dean Bernard Jacobs	ORACL-01077US3	8688
80548	7590	10/28/2008	EXAMINER	
Fliesler Meyer LLP 650 California Street 14th Floor San Francisco, CA 94108				BATURAY, ALICIA
ART UNIT		PAPER NUMBER		
2446				
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			10/28/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/975,587	JACOBS ET AL.	
	Examiner	Art Unit	
	Alicia Baturay	2446	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 July 2008.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-51 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-51 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 11 October 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06/12/2008</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the amendment filed 30 July 2008.
2. Claims 1-51 are pending in this Office Action.

Response to Amendment

3. The rejection is respectfully maintained as set forth in the last Office Action mailed on 30 April 2008. Applicant's arguments with respect to claims 1-51 have been fully considered but they are not persuasive and the old rejection maintained.
4. ***Applicant Argues:*** No one reference of the cited prior art is described that, based on the type of delta, does a one phase commit to multiple slave servers or doing a two phase commit. Abdallah describes a one phase commit to multiple recipients, but not the switching between a two phase and a one phase commit based on the delta.

In Response: Wherein based on the type of delta (If the initiator list is empty, the next step is to determine if more than one resource is in the update list. If this is true, then the full two-phase commit procedure must be used for this commit. If there is exactly one resource in the update list, then the one-phase commit procedure will be used – see Britton, col. 31, lines 13-29), a one-phase update is done with the slave service layer (application) requesting a delta from the master service layer (shared file resource managers) asynchronously (When the application opens the file with the intent of read, the image is created by the resource manager, which is considered to be a read-only resource. When the application is done

reading the file, it closes the file and attempts a commit – see Britton, col. 31, lines 30-65); or a two-phase update is done with the slave service layer (Application A) receiving a delta from the master service layer (The two-phase commit procedure is started when Application A attempts to commit by issuing a commit request to the synch point manager which is currently running in the same execution environment as Application A – see Britton, col. 32, lines 30-57). This renders the rejection proper, and thus the rejection stands.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
6. Only those claims that have been amended by Applicant or required a change in the grounds of rejection are formally addressed in this action. For those claims not formally addressed, the rejections have not been altered from what was set forth in previous actions. Therefore, the substance of these rejections for claims not formally addressed in this action can be found in prior Office Actions, see the Office Action dated 30 April 2008.
7. Claims 1-5, 7-20 and 24-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gehani et al. (U.S. 5,765,171) in view of Britton et al. (U.S. 5,613,060) and further in view of Abdallah et al. (“One-phase commit: does it make sense?”).

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gehani in view of Britton in view of Abdallah and further in view of Mosher et al. (U.S. 6,785,696).

9. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gehani in view of Britton in view of Abdallah and further in view of Fiske (U.S. 6,324,692).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Baturay whose telephone number is (571) 272-3981. The examiner can normally be reached at 7:30am - 5pm, Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Pwu can be reached on (571) 272-6798. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alicia Baturay
October 30, 2008

/Jeffrey Pwu/
Supervisory Patent Examiner, Art Unit 2446